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December 17, 2007.

The Hon. George B. Daniels, U.S.D.J.
U.S. District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007-1312

Via fax to (212) 805-6737

SO ORDERED

The conference is adjourned to
January 16, 2008 at 9:30 a.m.

DEC 18 2007

George B. Daniels

HON. GEORGE B. DANIELS

Re: Phillip Martinez vs. The City University of New York et
Civil Action 07-cv-6453 (GBD)

Dear Judge Daniels:

As per my conversation today with your chambers, I am requesting an adjournment of the scheduling conference of tomorrow because of conflicting commitments and an ear infection that will need treatment before I leave on vacation to Uruguay (from 12/19/07 through 1/12/08). I have the consent of the attorney for defendants. Please let me know before the end of the day if the adjournment is granted that I may advise the attorney for the defendant. May I suggest 1/16/08 for the conference.

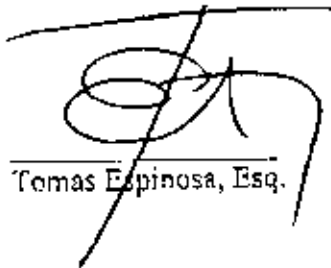
I am the attorney for plaintiff in the above referred matter. Please accept this fax copy with defendants attorney's signature and my signature of the Civil Management Plan Pursuant to Rules 16 and 26 (f) of the F.R.C.P.

I use the opportunity to request an adjournment of the scheduled Rule 16 scheduling conference that is scheduled for November 14, 2007 at 9:30 A.M. The reason for the adjournment is that I have on the same date and time conflict with a big Chapter 11 Bankruptcy 341 (a) Hearing before Office of Trustee at the U.S. Bankruptcy Court in the District of New Jersey, and for which a financing expert has been engaged and noticed. Let me suggest the following date if the conference can be rescheduled for November 16, 2007 or December 12, 2007. Please let me know if the adjournment is granted and for which date. I would like to inform to the Court that I will be on vacation out of the country in Uruguay starting on December 19, 2007 to January 12, 2008.

I do not expect that my vacations to be a problem as to the discovery, but if that is the case, I will ask the forbearance of the Court to allow me to apply for an extension. Please note that I am a solo practitioner with a heavy trial schedule both in New York and New Jersey.

Thanks for Your Honor's attention to this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'Tomas Espinosa', written over a horizontal line.

Tomas Espinosa, Esq.

TE/vc.

Cc: Aron Fischer, Esq.
With attachments

Via fax to (212) 416-6075